

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

<p>S.A., Next Friend Angi Allen; L.A., Next Friend Angi Allen; H.B., Next Friend Julie Beaner; Ad.S., Next Friend Bryan Schave and Brandi Schave; Al.S., Next Friend Bryan Schave and Brandi Schave; S.D., Next Friend Jennifer Degroot and Philip Degroot; A.L., Next Friend Nathan Leuning; M.B., Next Friend Joseph Bilderback; M.D., Next Friend David Denson; M.W., Next Friend Eugene Ware and Marsha Ware; KA, Next Friend Cathy Anderson; R.T., Next Friend Luke Tibbetts and Bobbie Tibbetts</p> <p style="text-align:center">Plaintiffs – Appellees</p> <p style="text-align:center">vs.</p> <p>Sioux Falls School District 49-5</p> <p style="text-align:center">Defendant – Appellant</p> <p>Jane Stavem, in her official capacity as Superintendent; Casey Meile, in his official capacity as Coordinator of Athletics for the Sioux Falls School District No. 49-5</p> <p style="text-align:center">Defendants</p>	<p style="text-align:right">Case No. 23-3401</p> <p style="text-align:center">APPELLANT’S STATEMENT OF ISSUES</p>
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Appellant, Sioux Falls School District 49-5 (the “District”), designates the following issues on appeal:

1. Whether the district court erred in ordering a preliminary injunction enjoining the District from (a) eliminating the Sioux Falls School District’s gymnastics program; (b) selling the gymnastics program’s

equipment; (c) reducing support for the gymnastics program below the prior 2022-2023 budget; and (d) restricting or denying the gymnastics program access to facilities, coaching, training, or competitive opportunities.

2. Whether the district court erred in not requiring security.

Dated at Sioux Falls, South Dakota, this 13th day of November, 2023.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the **Appellant's Statement of Issues** with the Clerk of Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system for electronic service upon the following listed attorneys of record:

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on the 13th day of November, 2023.

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